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Steven J. Elleman

41,733
Reg. No.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Applicant : McCown et al.
Serial No. : 09/057,313
Filed : April 8, 1998
Title : CONTAINER TRANSPORTATION SYSTEM AND METHOD
Docket : 033449-002
Examiner : O'Connor
Art Unit : 3627

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO REQUIREMENT FOR INFORMATION
UNDER 37 C.F.R. §1.105

This paper is filed in response to the Requirement for Information (the "Requirement") mailed on February 1, 2007. It is noted that only paragraphs 3-14 of the Requirement actually request information, and therefore responses to those paragraphs, using the same numbering in the Requirement, are provided below.

3. Applicants have not provided any information in response to this requirement on the basis that there is no "description of the prior art in the disclosure." As noted in Applicants' Response filed on October 19, 2006, the phrase "prior art" does not appear to be included

anywhere in the text of this application. The application does describe that each container is of a generally "conventional design" (page 5, line 24) and that the reach stacker is "conventional" (page 7, line 17). However, simply because something is described as being "conventional" is by no means an admission of any prior art status. For example, something that is "conventional" at the time of filing of a patent application may not necessarily be old enough to be prior art.

4. Responsive to this request, attached are copies of two publications: 1) an untitled publication by Kalmar and showing a reach stacker and dated as late as August 7, 1997; and 2) a publication entitled "Corner Castings" showing standard ISO type castings, twistlocks, lashing rods and lashing systems and dated as late as March 16, 1998. These documents appear to have been relied upon to develop the disclosed subject matter of the application, and in particular appear to have been relied upon to provide background information relating to the field of Applicants' invention and/or related accessories.

5. It is noted that the phrase "relates to" in this requirement is unclear and undefined. Accordingly, Applicants have attached copies of all known patent documents owned by Trailer Bridge (the assignee of this application), as well as those invented by the inventors. Copies of U.S. Pat. Nos. 6,893,205; 6,890,136; 6,503,034; and 6,416,264 are provided.

Also enclosed are copies of non-patent literature published by Trailer Bridge, including a mailer entitled "Trailer Bridge: Twice a Week – Every Week" dated 4/17/98; a mailer entitled "Now!...Direct Service between Newark and San Juan" dated 10/19/99; a mailer entitled "Now – Track Your Freight Online!" dated 9/12/00; a mailer entitled "10 Years & Growing" dated 2/5/02; a mailer entitled "Innovative Solutions" dated 4/22/03; a mailer entitled "Delivering..." dated 9/10/04; a mailer entitled "Open the Doors to Greater Value"; a mailer entitled "Delivering..."; a mailer entitled "Another Trailer Bridge Advantage"; a press release dated January 21, 1998; a press release dated April 22, 1998; a press release dated September 11, 2000; a press release dated July 23, 2002; a press release dated January 15, 2003; a press release dated April 13, 2006; an ad entitled "Value. Service. Growth." dated October 15, 1998; an ad entitled "Value. Service. Growth." dated November 24, 1999; an ad entitled "Value. Service. Growth."

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appearing into A Journal of Commerce Special Advertising Supplement dated July 6, 1998;
Trailer Bridge's Annual Report 1996; and a summary report by Trailer Bridge dated June 2004.

6. After reasonable investigation, the undersigned is not aware of any responsive documents to this request.

7. A search of the prior art was previously performed, which produced the following U.S. patents:

Inventors (s)	Patent No.
Iversen et al.	5,618,148
G.G. Sharp et al.	2,672,840
H. Sause, Jr.	3,389,775
R.F. Leftwich	2,405,893
N. P. E. Andersen	2,490,610
H. Q. Day	2,884,870
W. M. Cole	3,460,686
J. E. Flipse	3,124,209
McGlew et al.	4,898,112
A. McDougall	241,813
Johnson, Jr. et al	5,488,918
E. Heath	45,039
Baxter et al.	154,978

Each of these patents was cited in an Information Disclosure Statement filed on July 2, 1998.

8. The information requested is unknown or cannot be readily obtained. More particularly, the "disclosed prior art" includes literally dozens of references which have been cited by the Applicants to the Office, or which the Office has cited in the various Office actions.

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If this request refers to any alleged admitted prior art in the application, the comments noted above in paragraph 3 apply.

9. The undersigned has been informed that the following are trade names and providers of goods or services in competition with the goods or services in which the claimed subject matter has been embodied: Crowley Liner Services, Sea Star Line and Horizon Lines.

10. The first six and part of the seventh page of a document entitled "Building on A Successful Business Design" and dated 12/31/96 are submitted herewith. The remainder of the document has been redacted as trade secret and/or proprietary information.

11. Applicants have provided products or services that have incorporated the claimed subject matter in the form of its TBC SYSTEM, TRIPLESTACK BOX CARRIERS, TRIPLESTACK BOX CARRIER SYSTEM, BIG-BOX SYSTEM goods and/or services, and has used the trademark/tagline THE TRAILER BRIDGE ADVANTAGE in association with its goods and/or services.

12. The documents that are responsive to paragraph 5 are also responsive to this request.

13. Copies of the following documents which discuss the goods and/or services of the assignee are provided: "The Wall Street Transcript" dated December 5, 2005; a report on Trailer Bridge by Jeffries & Co., dated December 17, 2004; a report on Trailer Bridge by Jeffries & Co., dated March 31, 2005; a report on Trailer Bridge by Jeffries & Co., dated April 4, 2006; a photograph and caption in the publication "Of Commerce" dated January 26, 1998; an article entitled "A Shipping Alternative" published in Maritime News & Shipcards and dated March 30, 1998; a news brief entitled "Container barge makes first trip to Puerto Rico" published in the Journal of Commerce and dated April 23, 1998; an article entitled "New Trailer Bridge vessel sails from Jacksonville to Puerto Rico" published in the Atlantic Journal of Transportation and dated April 27, 1998; an article entitled "Trailer Bridge: Smooth Sailing through innovation" published in Shipping and Transportation and dated October 9, 1998; an article entitled "Driving on Water" and published in American Shipper in May, 2006; an article entitled "With John D. McCown" published in the Journal of Commerce on February 19, 2007; an article entitled

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"Puerto Rico carriers hope for a rebound after a difficult 2006" published in the Journal of Commerce on January 22, 2007; an article entitled "John D. McCown" published in www.floridashippers.com on May 1, 2006; an article entitled "Staying One Stack Ahead of the Competition" published in Marine Log in November, 2006; a publication entitled "Trailer Bridge revenues reach \$100 million, ranked number one in operating income as a percentage of revenue," published in Caribbean Business on July 27, 2006; and an article entitled "Carriers maintain optimism in Florida-Puerto Rico Trade" published in the American Journal of Transportation.

14. The information request in the first part of this request is unknown or cannot be readily obtained. Given that the "disclosed prior art" includes roughly 49 references and there are currently 39 pending claims, and it would impose a monumental task to state specific improvements of each claim over each item of the disclosed prior art. If this request refers to any alleged admitted prior art in the application, the comments noted above in paragraph 3 apply.

As to the second part of this request, it is noted that the claims do not include any means plus function or step plus function claim limitations. Each of claims 16, 19, 22 and 25 include the term "means," but such term is not used in the means plus function or step plus function claim format. For example, claim 16 includes the step of "individually lifting and transporting each container along or adjacent to an upper edge thereof by *means* of said reach stacker...." (emphasis added).

Applicants hereby petition under 37 C.F.R. §1.136 for an extension of time of three month to respond to the outstanding Requirement. A check incorporating the \$490 fee for a response within the third month. (37 C.F.R. §1.17(a)) is submitted herewith.

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The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or to credit any overpayment to Deposit Account 20-0809. Applicant hereby authorizes the Commissioner under 37 C.F.R. §1.136(a)(3) to treat any paper that is filed in this application which requires an extension of time as incorporating a request for such an extension.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Elleman', is written over a horizontal line.

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